

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

NORTHWEST CARPENTERS HEALTH AND
SECURITY TRUST; NORTHWEST
CARPENTERS RETIREMENT TRUST;
NORTHWEST CARPENTERS INDIVIDUAL
ACCOUNT PENSION TRUST; and
NORTHWEST CARPENTERS VACATION
TRUST,

Case No. 3:22-cv-00676-IM

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Plaintiffs,

v.

LEFTCOAST GENERAL CONSTRUCTION,
LLC, an Oregon limited liability company; and
JOSE C. RIVERA MEZA a/k/a JOSE RIVERA,

Defendants.

This matter is before this Court on the motion of Plaintiffs for an order of dismissal under Fed. R. Civ. P. 41(a)(2) as the remaining Parties have resolved the claims asserted in this matter. In addition to seeking an order of dismissal, Plaintiffs seek this Court's retention of ancillary jurisdiction to enforce the terms of the Parties' settlement, which includes an installment payment plan, personal guaranty, and confession of judgment covering delinquent fringe benefit contributions alleged as owed under ERISA.

This Court has reviewed the motion, as well as the pleadings, files, and court records in this matter. Being otherwise fully advised, the Court FINDS:

1. Defendants Leftcoast General Construction, LLC and Jose C. Rivera Meza a/k/a Jose Rivera have not appeared in this matter and have not answered the Complaint;
2. Per the allegations contained in the Complaint, this dispute concerns delinquent fringe benefit contributions allegedly owed by Leftcoast and Rivera under ERISA; and
3. The Court has exclusive jurisdiction over claims for delinquent fringe benefit contributions under ERISA, 29 U.S.C. §1132(e)(1).

Based on the above findings, as well as the pleadings, files, and court records in this matter, this Court ORDERS:

1. Plaintiffs' motion is GRANTED;
2. This Court retains jurisdiction to enforce payment of the delinquent fringe benefit contributions under ERISA through the Parties settlement agreement, including the installment payment plan, personal guaranty, and confession of judgment. *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375, 381, 114 S.Ct. 1673, 1677, 128 L.Ed.2d 391 (1994); and
3. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

DATED this 19th day of July, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge